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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,523	11/06/2003	Carlo Cavagna	38204/GM/ch	5005

7590 05/13/2005

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EXAMINER

KRISHNAMURTHY, RAMESH

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/701,523	CAVAGNA, CARLO
	Examiner	Art Unit
	Ramesh Krishnamurthy	3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 31 January 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1 - 21 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 11 - 18, 20, 21 is/are allowed.

6)  Claim(s) 1 - 9 and 19 is/are rejected.

7)  Claim(s) 10 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ . 5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

This office action is responsive to communications filed 01/31/2005.

**Claims 1 – 21 are pending.**

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Each of the claims 11 and 19 recites the limitation "said chamber" in line 2. There is insufficient antecedent basis for this limitation in the claim.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 4, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by FR 2,109,652.

FR 2,109,652 discloses a spring-loaded pressure relief valve (15), comprising a valve body (1) that is associateable with a container and forms a discharge port (18) that is controlled by a main piston (17), an auxiliary valve (40) being further provided which controls a venting port (45) and drives the intervention of said main piston, wherein said main piston is accommodated in a cavity (2) that is formed in said valve body and is open in an axial direction on the opposite side with respect to said venting port. The pressure relief valve comprises a cylindrical wall that can be coupled to said piston body

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and forms a chamber for accommodating a main spring that pushes against said main piston, said chamber being connected to the inside of the container by means of a channel that has a small diameter (Fig. 1).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over FR 2,109,652 as applied to claims 1 – 4, 8 and 9 above, and further in view of EP 0 717 821 B1.

The document FR 2,109,652 discloses the claimed invention with the exception of explicitly disclosing a gasket like sealing element disposed on either the main piston or the auxiliary piston.

The document EP 0 717 821 B1 discloses that it is known in the art to provide a piston (5) having an annual sealing gasket (20) for the purpose of providing reliable seal.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided in main piston and the auxiliary piston a sealing ring for the purpose of providing a reliable seal as recognized by EP 0 717 821 B1. The specific cross-section of the ring is an obvious design expedient over those features disclosed in the combination of FR 2,109,652 and EP 0 717 821 B1 in that it neither solves any stated problem nor provides any new and/or unexpected result.

8. Claims 11 – 18, 20 and 21 are allowed.
9. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

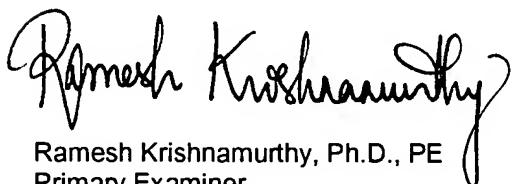
10. Applicant's arguments with respect to claims 1 - 10 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramesh Krishnamurthy whose telephone number is (571) 272 – 4914. The examiner can normally be reached on Monday - Friday from 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene L. Mancene, can be reached on (571) 272 – 4930. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 – 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 - 0861.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ramesh Krishnamurthy, Ph.D., PE  
Primary Examiner  
Art Unit 3753